

A P P E N D I X I:

THE SUBSTITUTE SECTION(S) OF THE SPECIFICATION:

On page 1: ✓

- After the title and prior to the first paragraph, ie. at indicated line 5, insert the following:

A¹ ~~At~~This is a Divisional application of Application Serial No. 09/581,833, filed on June 19, 2000 (US 6,365,608 B1). ~~A~~

On page 4: ✓

- Delete the paragraph beginning in indicated line 26 and ending in indicated line 31 and insert in its stead:

A² It is an object of the present invention to provide mixtures which have an improved activity against harmful fungi combined with a reduced total amount of active ingredients applied (synergistic mixtures), with a view to reducing the application rates and to improving the activity spectrum of the known compounds.

On page 5: ✓

- Delete the paragraph beginning in indicated line 21 and ending in indicated line 25 and insert in its stead:

A³ Haloalkyl is an alkyl group as defined above which is partially or fully halogenated by one or more halogen atoms, in particular by fluorine and chlorine. Preferably, there are from 1 to 3 halogen atoms present, and the difluoromethyl or the trifluoromethyl group is particularly preferred.

On pages 5 and 6: ✓

- Delete the paragraph beginning on page 5 in indicated line 33 and ending on page 6 in indicated line 8 and insert in its stead:

A⁴ The alkenyl group includes straight-chain and branched alkenyl groups. These are preferably straight-chain or branched C₃-C₁₂-alkenyl groups and in particular C₃-C₆-alkenyl groups. Examples of alkenyl groups are 2-propenyl, 2-butenyl, 3-butenyl, 1-methyl-2-propenyl, 2-methyl-2-propenyl, 2-pentenyl, 3-pentenyl, 4-pentenyl, 1-methyl-2-butenyl, 2-methyl-2-butenyl, 3-methyl-2-butenyl, 1-methyl-3-butenyl, 2-methyl-3-butenyl,

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3-methyl-3-butenyl, 1,1-dimethyl-2-propenyl, 1,2-dimethyl-2-propenyl, 1-ethyl-2-propenyl, 2-hexenyl, 3-hexenyl, 4-hexenyl, 5-hexenyl, 1-methyl-2-pentenyl, 2-methyl-2-pentenyl, 3-methyl-2-pentenyl, 4-methyl-2-pentenyl, 1-methyl-3-pentenyl, 2-methyl-3-pentenyl, 3-methyl-3-pentenyl, 4-methyl-3-pentenyl, 1-methyl-4-pentenyl, 2-methyl-4-pentenyl, 3-methyl-4-pentenyl, 4-methyl-4-pentenyl, 1,1-dimethyl-2-butenyl, 1,1-dimethyl-3-butenyl, 1,2-dimethyl-2-butenyl, 1,2-dimethyl-3-butenyl, 1,3-dimethyl-2-butenyl, 1,3-dimethyl-3-butenyl, 2,2-dimethyl-3-butenyl, 2,3-dimethyl-2-butenyl, 2,3-dimethyl-3-butenyl, 1-ethyl-2-butenyl, 1-ethyl-3-butenyl, 2-ethyl-2-butenyl, 2-ethyl-3-butenyl, 1,1,2-trimethyl-2-propenyl, 1-ethyl-1-methyl-2-propenyl and 1-ethyl-2-methyl-2-propenyl, in particular 2-propenyl, 2-butenyl, 3-methyl-2-butenyl and 3-methyl-2-pentenyl.

On page 6: ✓

- Delete the paragraph beginning in indicated line 14 and ending in indicated line 28 and insert in its stead:

A5

The alkynyl group includes straight-chain and branched alkynyl groups. These are preferably straight-chain and branched C₃-C₁₂-alkynyl groups and in particular C₃-C₆-alkynyl groups. Examples of alkynyl groups are 2-propynyl, 2-butylnyl, 3-butylnyl, 1-methyl-2-propynyl, 2-pentylnyl, 3-pentylnyl, 4-pentylnyl, 1-methyl-3-butylnyl, 2-methyl-3-butylnyl, 1-methyl-2-butylnyl, 1,1-dimethyl-2-propynyl, 1-ethyl-2-propynyl, 2-hexynyl, 3-hexynyl, 4-hexynyl, 5-hexynyl, 1-methyl-2-pentylnyl, 1-methyl-3-pentylnyl, 1-methyl-4-pentylnyl, 2-methyl-3-pentylnyl, 2-methyl-4-pentylnyl, 3-methyl-4-pentylnyl, 4-methyl-2-pentylnyl, 1,2-dimethyl-2-butylnyl, 1,1-dimethyl-3-butylnyl, 1,2-dimethyl-3-butylnyl, 2,2-dimethyl-3-butylnyl, 1-ethyl-2-butylnyl, 1-ethyl-3-butylnyl, 2-ethyl-3-butylnyl and 1-ethyl-1-methyl-2-propynyl.

On page 12:

- Delete the paragraph beginning in indicated line 37 and ending in indicated line 38 and insert in its stead:

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II.a: ethyl (RS)-3-(3,5-dichlorophenyl)-5-methyl-2,4-dioxoxazolidine-5-carboxylate

On page 14:

- Delete the paragraph beginning in indicated line 15 and ending in indicated line 31 and insert in its stead:

A⁷

Suitable organic acids are, for example, formic acid and alkanolic acids, such as acetic acid, trifluoroacetic acid, trichloroacetic acid and propionic acid, and also glycolic acid, thiocyanic acid, lactic acid, succinic acid, citric acid, benzoic acid, cinnamic acid, oxalic acid, alkylsulfonic acids (sulfonic acids having straight-chain or branched alkyl radicals of 1 to 20 carbon atoms), arylsulfonic acids or aryldisulfonic acids (aromatic radicals, such as phenyl and naphthyl, which carry one or two sulfo groups), alkylphosphonic acids (phosphonic acids having straight-chain or branched alkyl radicals of 1 to 20 carbon atoms), arylphosphonic acids or aryldiphosphonic acids (aromatic radicals, such as phenyl and naphthyl, which carry one or two phosphonic acid radicals), it being possible for the alkyl or aryl radicals to carry further substituents, eg. p-toluenesulfonic acid, salicylic acid, p-aminosalicylic acid, 2-phenoxybenzoic acid, 2-acetoxybenzoic acid, etc.

On page 15:

- Delete the paragraph beginning in indicated line 16 and ending in indicated line 32 and insert in its stead:

A⁸

They are particularly suitable for controlling the following phytopathogenic fungi: *Erysiphe graminis* (powdery mildew) in cereals, *Erysiphe cichoracearum* and *Sphaerotheca fuliginea* in cucurbits, *Podosphaera leucotricha* in apples, *Uncinula necator* in grapevines, *Puccinia* species in cereals, *Rhizoctonia* species in cotton, rice and lawns, *Ustilago* species in cereals and sugar cane, *Venturia inaequalis* (scab) in apples, *Helminthosporium* species in cereals, *Septoria nodorum* in wheat, *Botrytis cinerea* (gray mold) in strawberries, vegetables, ornamentals and grapevines, *Cercospora arachidicola* in groundnuts, *Pseudocercospora herpotrichoides* in wheat and barley, *Pyricularia oryzae* in rice, *Phytophthora infestans* in potatoes and tomatoes, *Plasmopara viticola* in grapevines, *Pseudoperonospora* species in hops and cucumbers, *Alternaria* species in vegetables and fruit, *Mycosphaerella* species in bananas and *Fusarium* and *Verticillium* species.

On page 17:

- Delete the paragraph beginning in indicated line 1 and ending in indicated line 16 and insert in its stead:

A⁹

Suitable surfactants are the alkali metal salts, alkaline earth metal salts and ammonium salts of aromatic sulfonic acids, eg. ligno-, phenol-, naphthalene- and dibutylnaphthalenesulfonic acid, and of fatty acids, alkyl- and alkylarylsulfonates, alkyl, lauryl ether and fatty alcohol sulfates, and salts of sulfated hexa-, hepta- and octadecanols, or of fatty alcohol glycol ethers, condensates of sulfonated naphthalene and its derivatives with formaldehyde, condensates of naphthalene or of the naphthalenesulfonic acids with phenol and formaldehyde, polyoxyethylene octylphenol ether, ethoxylated isooctyl-, octyl- or nonylphenol, alkylphenol polyglycol ethers, tributylphenyl polyglycol ethers, alkylaryl polyether alcohols, isotridecyl alcohol, fatty alcohol/ethylene oxide condensates, ethoxylated castor oil, polyoxyethylene alkyl ethers or polyoxypropylene alkyl ethers, lauryl alcohol polyglycol ether acetate, sorbitol esters, lignosulfite waste liquors or methylcellulose.

- Delete the paragraph beginning in indicated line 28 and ending in indicated line 36 and insert in its stead:

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Fillers or solid carriers are, for example, mineral earths, such as silicas, silica gels, silicates, talc, kaolin, limestone, lime, chalk, bole, loess, clay, dolomite, diatomaceous earth, calcium sulfate, magnesium sulfate, magnesium oxide, ground synthetic materials and fertilizers, such as ammonium sulfate, ammonium phosphate, ammonium nitrate, ureas, and products of vegetable origin, such as cereal meal, tree bark meal, wood meal and nutshell meal, cellulose powders or other solid carriers.

- Delete the paragraph beginning in indicated line 38 and ending in indicated line 43 and insert in its stead:

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The formulations generally comprise from 0.1 to 95% by weight, preferably 0.5 to 90% by weight, of one of the compounds I and II and/or III to IX or of the mixture of the compounds I and II and/or III to IX. The active ingredients are employed in a purity of from 90% to 100%, preferably 95% to 100% (according to NMR spectrum or HPLC).

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On page 22:

- Delete the paragraph beginning in indicated line 36 and ending in indicated line 44 and insert in its stead:

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Disks of green bell peppers were sprayed to runoff point with an aqueous preparation of active ingredient which had been prepared from a stock solution comprising 10% of active ingredient, 63% of cyclohexanone and 27% of emulsifier. 2 hours after the spray coating had dried on, the fruit disks were inoculated with a spore suspension of *Botrytis cinerea* containing 1.7×10^6 spores per ml of a 2% strength Biomalz solution. The inoculated fruit disks were subsequently incubated in humid chambers at 18°C for 4 days. The *Botrytis* infection on the diseased fruit disks was then evaluated visually.

- Delete the text in indicated line 46 and insert in its stead:

The results are shown in Tables 3 and 4 below.